

THE CLARK CONSTRUCTION
GROUP, INC.

CONTRACT NO. V101BC-0036

VABCA-5087P

VA MEDICAL CENTER
WEST PALM BEACH, FLORIDA

Axel Bolvig, III, Esq., Bradley, Arant, Rose & White, Birmingham, Alabama, for the Appellant.

Paul A. Embroski, Esq., Trial Attorney; *Charlma O. Jones, Esq.*, Deputy Assistant General Counsel; and *Phillipa L. Anderson, Esq.*, Assistant General Counsel, Washington, D.C., for the Department of Veterans Affairs.

ORDER DISMISSING PETITION

1. On September 6, 1996, the Board ordered the Contracting Officer to issue a final decision on Appellant's May 17, 1996, claim for equitable adjustment and time extension by February 7, 1997. The Contracting Officer failed to issue such a decision. On February 11, 1997, the Board received Appellant's Notice of Appeal from the Government's deemed denial of its claim for equitable adjustment and time extension. Accordingly, the Board docketed Appellant's appeal from the deemed denial of its claim as VABCA No. 5249 on February 11, 1997.

2. With the docketing of VABCA No. 5249, the Petition in VABCA No. 5087P is now moot. Accordingly, Appellant's petition to the Board for it to direct issuance of a final decision on its claim under Contract No. 101BC-0036 pursuant to Rule 1(D) is hereby **DISMISSED** as moot.

IT IS SO ORDERED

DATE: **February 13, 1997**

RICHARD W. KREMPASKY
Administrative Judge